



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/146680

PRELIMINARY RECITALS

Pursuant to a petition filed January 15, 2013, under Wis. Admin. Code §HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on February 12, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether jurisdiction is present to reach the merits of the petitioner's appeal.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Katherine May

Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County and a recipient of FS.
2. Petitioner has been living at the Center for Veterans Issues since approximately January 2011.
3. Since January 2011 petitioner has named an authorized representative to receive his FS.

4. Petitioner filed this appeal to request a refund of all of the FS issued to him since January 2011 because he claims that his authorized representatives did not make good use of the FS received on his behalf and has caused him physical problems.

DISCUSSION

Jurisdiction is available to review a denial, termination or reduction of FS. See, Wis. Adm. Code. §HA 3.03. However, the petitioner's FS case has not been denied, terminated or reduced to date. Petitioner has not shown that he is entitled to more benefits than he received on his FS case. The fact that he now disagrees with how his authorized representative used those FS does not change my jurisdiction on this matter. The petitioner could have changed his authorized representative if he was not satisfied with the use of the FS, but he did not. Accordingly, the agency continued to process his FS according to his request to use his named authorized representative.

Accordingly, jurisdiction is not present because it is not a matter within the statutory grant of the subject matters that I am authorized to review. If petitioner's FS is denied, terminated or reduced, he can file for a fair hearing at that time.

CONCLUSIONS OF LAW

Jurisdiction is not present to review petitioner's appeal because it is not a matter within the statutory grant of the subject matters authorized for review by this administrative law judge.

THEREFORE, it is

ORDERED

That the petition for review herein be dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

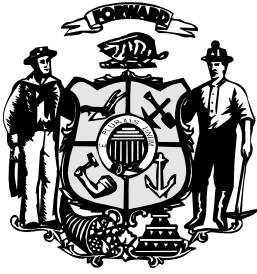
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 7th day of March, 2013

\sKelly Cochrane
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 7, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability